

Board/Commission School/Park Fee Advisory Committee

Regular Meeting Day and Time As Called

Approximate number of meetings per month several meetings are required in September
October and November only

Approximate number of hours involved in service by
Members per month September through November only
Average 2 hours per meeting

Detailed list of duties (please list specific duties):

- Attend all scheduled meetings.
- Review the school/Park Land – Dedication Ordinance and set the annual acreage value for the purpose of establishing fees for meeting the requirements of the Ordinance.

Potential members should have a working knowledge of one or more of the following areas:
Real Estate, Land Appraisal, Construction, City or Park or School Planning.

CHAPTER 15 ANNEXATION, SUBDIVISION AND LAND DEVELOPMENT

ARTICLE 3 SUBDIVISION REGULATIONS

PART 12 PARK AND SCHOOL SITE DEDICATIONS

SECTION:

- 15-3-1201: Policy and Purpose
- 15-3-1202: Park Standards
- 15-3-1203: Dedications of Land for Parks
- 15-3-1204: School Standards
- 15-3-1205: Student Population Density
- 15-3-1206: School Land Dedication Requirements
- 15-3-1207: Dedication of Land Required for Public Uses
- 15-3-1208: Applicability of Provisions
- 15-3-1209: Review of Requirements
- 15-3-1210: Replatting or Resubdividing

15-3-1201: **POLICY AND PURPOSE:** It is hereby declared to be the policy of the City that whenever land is proposed for residential use, the owner of the land should provide land for school needs generated by the proposed residential use, and the owner of the land should provide land and fees primarily for park needs generated by the proposed residential use and secondarily fees, if any, for physical improvements thereto. It is the purpose of this Part 12 to require the dedication of land or the payment of fees in lieu thereof or both to fulfill such needs. In the case of the dedication or conveyance and acceptance of land, the appropriate school district or the City will be required to pay their share of costs incurred in the development of the school or park site including, but not limited to adjacent roads, drainage, sidewalks and utility extensions. The payment of these costs will be deferred until funds are appropriated and may be deferred pursuant to a recovery agreement between the land owner and the City or school so that the costs need not be paid by the City or the school district until improvements to the land are completed and the land is put to public use. If payment of costs are deferred pursuant to a recovery agreement, ten percent (10%) of the costs shall be added to the costs for each year up to fifteen (15) years. (Ord. 78-88; Ord. 58-110; 1968 Code §§ 13-21A)

15-3-1202: **PARK STANDARDS:** In the interest of the health, safety and general welfare of the people of the City, the park area standards as adopted by Resolution 60-77 by the City Council on March 22, 1977 are adopted to provide a guide to facilitate adequate provisions for parks as the City develops. (Ord. 78-88; 1968 Code § 12-21B)

15-3-1203: **DEDICATION OF LAND FOR PARKS:** It is hereby found and determined:

- A. That a part of the public need for parks generated by the influx of new residents should be provided for by mandatory dedication of land or fees in lieu thereof as a condition of final plat approval.
- B. That it is reasonable to require the dedication of land or payment of fees-in-lieu thereof to provide the following facilities: vest pocket or mini park, neighborhood park and playground, playfield or community park – resulting in a total requirement of seven and five tenths (7.5) acres per one thousand (1000) persons.

- C. That the 1970 Federal census shows that, in the City, there are an average of 3.1 persons per owner-occupied dwelling and 2.2 persons per renter occupied dwelling.
- D. That the density of owner-occupied developments is usually eight (8) dwelling units per acre or less while the density of renter-occupied developments is usually greater than eight (8) dwelling units per acre.
- E. That, for purposes of determining the park land dedication requirement, where the gross residential land density is greater than eight (8) dwelling units per acre, the population averages 2.2 persons per dwelling unit and where the gross residential land density is less than equal to eight (8) dwelling units per acre, the population averages 3.1 persons per dwelling unit.
- F. That the resulting requirements of land to be dedicated for parks and open space is 0.0165 acres (719 square feet) per dwelling unit for residential land densities in excess of eight (8) dwelling units per acre, and 0.02325 acres (1,013 square feet) per dwelling unit for residential land densities of eight (8) dwelling units per acre or less.
- G. That the City's requirements for regional parks, open spaces and special facilities should be provided from sources other than those set forth in this part. (Ord. 78-88; Ord. 88-174; 1968 Code § 13-21C)

15-3-1204: **SCHOOL STANDARDS:** It is hereby found and determined that minimum acreage requirements for schools, assuming ideal site topography, are as follows.

Elementary School – 790 Students – 10 acres 0.0127 Site Acres/Student
Junior High School – 1000 Students – 20 acres 0.02 Site Acres/Student
Senior High School – 2000 Students – 45 acres 0.0225 Site Acres/Student
(Ord. 78-88; 1968 Code §13-21D)

15-3-1205: **STUDENT POPULATION DENSITY:** It is hereby found and determined:

- A. That the survey area for the school population study of June , 1973, is typical of the developing areas in the City, to wit:

	STUDENTS PER DWELLING UNIT
	<u>Students/du</u>
Elementary	
5,499 S.F and duplex at 4,032 students -	0.7332
2,651 multi-family at 469 students -	.1769
Junior High School	
5,499 S.F. and duplex at 1,139 students -	0.3075
2,651 M.F. at 135 students -	0.0728
Senior High School	
5,499 S.F. and duplex at 1,139 students -	0.2071
2,651 M.F. at 193 students -	0.0728
Required Acres Per Dwelling Unit	

Low Density

Elementary	0.7332 x 0.0127 -	.0093
Jr. High School	0.3075 x 0.02 -	.0061
Sr. High School	0.2071 x .0225 -	<u>.0046</u>
		.0200 acres/du

High Density

Elementary0.1769 x 0.0127 -	.0022
Jr. High School	..0.0509 x 0.02 -	.0010
Sr. High School	0.07 x 0.0225 -	<u>.0016</u>
		.0048 acres/du

B. That the survey data is a reasonable and valid basis for determining a school land dedication requirement. (Ord. 78-88; 1968 Code § 13-21E)

15-3-1206: SCHOOL LAND DEDICATION REQUIREMENTS:

Based upon the foregoing school standards and school population density data, it is hereby found and determined that for residential land having a density greater than eight (8) dwelling units per acre, there is a requirement for 0.0048 acres (209 square feet per dwelling unit and for residential land having a density of eight (8) dwelling units per acre or there is a requirement of 0.019 acres (871 square feet) per dwelling unit. 9Ord. 78-88; Ord. 88-174; 1968 Code § 13-21F)

15-3-1207: DEDICATION OF LAND REWIRED FOR PUBLIC USES:

As a condition of final plat approval, every subdivider shall dedicate land area for schools and parks or shall agree to pay a sum of money sufficient to provide for such needs at time of building permit issuance. (Ord. 78-88; Ord. 88-174; 1968 Code § 13-21G)

A. Parks.

1. Amount of Land to be Dedicated. The amount of land required to be dedicated by the subdivider for parks shall be 0.0165 acres (719 square feet) per dwelling unit for residential land densities in excess of eight (8) dwelling units per acre, and 0.02325 acres (1,013 square feet) per dwelling unit for residential land densities of (8) dwelling unit per acre or less. Any land to be dedicated as a requirement of this Part 12 shall be reasonably adaptable for use as a vest pocket park, neighborhood park and playground, playfield or community park. Factors used in evaluating the adequacy of proposed park areas shall include size and shape, topography, geology, flora and fauna, access, and location.
2. Credit for Private Open Space. Where private land for park or open space purposes is to be privately owned and maintained by or for the future residents of the development, such areas may be credited in whole or in part against the requirement of dedication for park purposes up to a maximum of one hundred percent (100%) of the dedication requirement, provided the City Council finds it is in the public interest to do so and that the following standards are met: (Ord. 79-232; 1968 Code §13-21G)
 - a. That building and parking setbacks required to be maintained under the zoning and building regulations, shall not be included in the computation of such private land;
 - b. That the private operation and maintenance of the land is adequately provided for by written agreement with the City.
 - c. That the use of the private land is restricted for park or open space purposes, or both, by recorded covenants which run with the land in favor of the future residents of property within the development, and which cannot be defeated or

eliminated without the consent of the City Council;

- d. That the proposed private land is reasonably adaptable for use for the park and open space purposes, taking into consideration such factors as size, shape, topography, geology, access and location;
 - e. That the improvements proposed for the private land are approved by the City Council; (Ord. 78-88; 1968 Code § 13-21G)
 - f. That the amount of credit allowed shall depend upon the extent to which the private land serves the overall park and recreation needs of the future residents of the development. (Ord.79-232; 1968 Code § 13-21G)
3. Multi-use Trails. For purposes of park land dedication requirements of fees to be paid in lieu thereof under Part 12 in those land development where purposed trails are located, land for trails may be substituted in lieu of land for parks in whole or in part. No fees in lieu of trail land dedication will be accepted unless there is an acceptable alternate route shown on the Multi-Use Trail Master Plan. (Ord. 81-110)

B. School Sites.

1. Amount of Land to be Dedicated. The amount of land required to be dedicated for school sites shall be 0.0048 acres (209 square feet) per dwelling unit where the residential land density is greater than eight (8) dwelling units per acre, and 0.02 acres (971 square feet) per dwelling unit where the residential land density is eight (8) dwelling units per acre or less. This is a minimum requirement for land to be dedicated. The site shall meet the following criteria:
 - a. Adequate access.
 - b. Proper general configuration
 - c. Suitable physical characteristics, such as drainage, vegetation and soil type.

C. Fees in Lieu of Land.

1. Choice of Land or Fee:
 - a. Procedure. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:
 1. Subdivider. At the time of filling a preliminary or final plat for approval, the subdivider of the property shall, as part of such filling, indicate whether he desires to dedicate land for park and school site purposes, or whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for this purpose, he shall designate the area thereof on the plat as submitted. The subdivider and City and appropriate school district may at any time by separate agreement establish other methods for dedication if an accord with the standards set forth herein and approved by their respective elected officials.

2. Review. The Park and Recreation Department and appropriate school district shall submit their recommendations to the Planning Department within ten (10) days of notifications that a plat has been filed.
3. Action of City. At the time of plat map approval, the City Council shall determine as a part of such approval, whether to require a dedication of land, payment of a fee in lieu thereof a combinations of both. (Ord. 78-88; 1968 Code § 13-21G)
4. Prerequisites for Approval of Final Plat. Dedication when required shall be accomplished by transfer of deed or dedication by plat. This must be done prior to approval of the final plat. Where the subdivider cannot convey clear title at the time of final plat approval, the City Council may, in its discretion, accept a contract to convey the land at a later time certain accompanied by an acceptable assurance guaranteeing payment of a sum equal to the value of the land. Where the site is under the control of a third party, a similar three (3) party arrangement may be made. Covenants for private park or open space shall be submitted to the City prior to approval of the final plat and shall be recorded contemporaneously with the final plat. (Ord. 79-232; Ord. 88-174; 1968 Code § 13-21G)

Where fees are required such fees shall be paid on a dwelling unit basis at the time of building permit issuance, and such fees shall be in the amount set as of the date of building permit issuance. School fees shall be made payable to the appropriate school district, and park fees shall be made payable to the City.

2. Amount of Fee in Lieu of Land Dedication. The fee in lieu of land dedication shall be established each year as of January 1 by the City Council upon recommendation from the School/Park Fee Advisory Committee to be composed of seven (7) members appointed by the City Council for three (3) year term. The Director of Parks and Recreation shall be secretary of the Committee without vote. City Council shall appoint six (6) members as follows: one member of the Committee shall be a certified land appraiser doing business in the City; one member shall be a land developer experienced in subdivision and improvement of land; one member shall be a person actively engaged in the construction and sale of housing; one member shall be a member of the Park and Recreation Advisory Board; and one member shall be a person actively engaged in the design and development of recreational parks, and one member shall be a citizen at large. The school districts within or partly within the City shall appoint one member who shall be a representative of school board/administrator. The Committee shall advise the City Council for the school and park fees in lieu of dedication for residential development eight (8) units per acre or less and for residential development of more than eight (8) units per acre or less and for residential development of more than eight (8) units per acre. Such fees shall approximate on a per dwelling unit basis the cost to acquire land sufficient to meet school needs and to acquire

and develop land sufficient to meet the park needs. (Ord. 78-88; Ord 82-49)

D. Additional Information Required on All Plats:

1. At the time of filing a preliminary or final plat for approval, the subdivider shall, as a part of such filing, designate the general area or areas he proposed to set aside for school site and of park and open space use, and shall indicate the number of acres proposed for such uses, and the number and type of proposed dwelling units for each lot in the filing.
2. The final plat shall record the manner of compliance with the provisions of this Part 12 for both school and park and open space purposes. As appropriate, the plat shall record acreage dedicated. Dedication or conveyance and acceptance of the land shall state that land is to be used for both school and park purposes. (Ord. 78-88; Ord. 85-110; Ord. 88-174; 1968 Code § 13-21G)

E. Disposal of Surplus School Land:

1. In the event any school district which has received school site land as a result of the provisions of this Part 12 determines that the school site will not be used for school purposes, the following disposal procedure shall be followed:
 - a. That a portion of the school site adjacent to the park site that was to have been used as a joint site for recreational activities by both the City and School District or that portion of the school site that can be used for recreational activities or any portion thereof that can be used for recreational activities, as determined by the Director of Parks and Recreation shall be offered to the City for park or open space purposes, and if the City accepts such offer the City shall reimburse the school district in an amount equal to the amount of land times the current school fee in effect at the time of the school site disposal¹ plus any actual costs incurred by the school district in the development of the portion of the school site acquired including but not limited to adjacent roads, drainage, or sidewalks. Ten percent (10%) of actual costs shall be added to the actual costs for each year up to fifteen (15) years.
 - b. If the Director of Park and Recreation determines that the City does not desire the recreational portion of the schools site or only desires a portion of the recreational portion of the school site, then the school district shall offer all of the remaining surplus school site to the person who dedicated such real property for school purposes, and if the person who dedicated the property desires to acquire the land from the school district, that person shall trade, if possible, for other land the school district desires or that person shall pay the current school fee in effect at the time of the school site abandonment plus any actual costs incurred

¹ See Section 15-3-1207C2.

by the school district in the development of the site including but not limited to adjacent roads, drainage, or sidewalks. Ten percent (10%) of actual costs shall be added to the actual costs for each year up to fifteen (15) years.

- c. If there is any school site land left over after the City and original dedicating person have made their decisions regarding acquisitions of such site, the school district may offer the land for sale subject to applicable state statutes, rules and regulations.
- d. Anyone other than the City acquiring surplus school site property shall be required to meet all the terms and conditions of Chapters 14 and 15 of the City Code pertaining to zoning and subdivision in seeking to develop such land. (Ord. 85-110)

15-3-1208: **APPLICABILITY OF PROVISIONS:** This Part 12 shall apply to all plats which have not satisfied both the following conditions prior to August 28, 1974.

- A. The preliminary or final plat must have been approved by the City Council or the Board of County Commissioners of the County of El Paso; and
- B. The final or final plat must have satisfied all prerequisites of plat approval imposed by this Chapter and all provisions and stipulations imposed by the City Council or all prerequisites of plat approval imposed by the Board of County Commissioners of the County of El Paso. (Ord. 79-59; 1968 Code § 13-21H)

15-3-1209: **REVIEW OF REQUIREMENTS:** All requirements of this Part 12 and the date upon which they are based shall be reviewed annually by the Park and Recreation Advisory Board and the Planning Commission and such bodies shall make a written report and recommendation to the City Council prior to November 15 of each year as to the need for revision. (Ord. 79-232; 1968 Code § 13-21I)

15-3-1210: **REPLATTING OR RESUBDIVIDING:** The following considerations will be taken account in any replat of land platted prior to September 6, 1973, for which land fees were paid or land was dedicated.

- A. If such replat is to correct engineering errors (legal descriptions) such replat will be exempt from this Part 12.
- B. If Park and school fees have been paid or land dedicated, or both, the land replatted shall be exempt from the provisions of this Part 12 unless as a result of such replat residential density is increased. If residential density is increased, the owner shall pay the fees or dedicate land, or both, in those amounts set forth in this Part 12 as applied only to additional numbers of residential units increasing the density. If residential density is decreased, the provision of this Part 12 shall not apply. (Ord. 78-88; Ord. 88-174; 1968 Code § 13-21J)